



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,230	10/12/2005	Oliver Feilen	8369.005.US0100	7194
77176 7590 09/29/2009 Novak, Druce & Quigg LLP 1300 I Street, N.W. Suite 1000, West Tower WASHINGTON, DC 20005				
EXAMINER TRAORE, FATOUMATA				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
09/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,230

Applicant(s)

FEILEN ET AL.

Examiner

FATOUMATA TRAORE

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/12/2009 has been entered.

Status of Claims

Claims 1 and 4 have been amended. Claims 10-14 have been added. Claims 1-14 are pending and have been considered below.

Claim Objections

2. Claim 14 is objected to because of the following informalities: Claim 14 recites the limitation of "*a rewritten area*", the examiner believe it should be "*a rewritable area*". Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 5, 7, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Beuten et al herein after Beuten (US 7,313,703).

Claims 1 and 10: Beuten discloses a process and a device for protecting at least one motor vehicle component against manipulation in a control device, which comprises at least one microcomputer and at least one memory module (*column 4, lines 24-30*), said method comprising:

dividing a code necessary for operation of the control device into at least one master code, said master(*checksum*), code comprises information essential for operation of the control device(*column 5, lines 17-24*), and at least one sub-code(*control program*), said sub-code which comprises additional information for operation of the control device(*column 5, lines 9-17*),

Storing at least the master code in the microcomputer (*column 4, lines 3-20*); and

Causing the master code to monitor manipulation of the sub-code (*to check for control program manipulation a checksum is calculate*)(*column 5, lines 33-55*).

Claim 5: Beuten discloses a control device for a motor vehicle comprising:

at least one microcomputer (*column 4, lines 950-60*);
at least one memory module (*column 4, lines 50-60*);
a code which is necessary for operation of the control device, being divided into
at least one master code which comprises information which is essential for
operation of the control device (*column 5, lines 17-24*), and at least one sub-code
which comprises additional information for operation of the control device
(*column 5, lines 9-17*);

Wherein at least the master code is stored in the microcomputer and contains a
software function module for detection of manipulation within the sub-code (*to
check for control program manipulation a checksum is calculate*) (*column 5, lines
33-55*).

Claims 3, 7 and 12: Beuten discloses a process, a control device and a device
as in claims 1, 5 and 10 above, and Beuten further discloses wherein said storing
step comprises storing the sub-code in a rewritable area of the
microcomputer(*column 4, lines 50-67*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuten et al (US 7,313,703) in view of Krauter et al herein after Krauter (US 2001/0027524).

Claims 2, 6 and 11: Beuten discloses a process, a control device and a device as in claims 1, 5 and 10 above, but does not explicitly disclose wherein said storing step comprises storing the master code in a read-protected area of the microcomputer which is writable only once. However, Krauter disclose a process and device for protecting a digital controller against manipulation of its program, which further discloses wherein said storing step comprises storing the master code in a read-protected area of the microcomputer which is writable only once (paragraph [0016])). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Beuten such store the master code in read protected area. One would have been motivated to do so in order to reliably and easily detect manipulation of control program the content of a microcomputer as taught by Krauter (paragraph [0008]).

8. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuten et al (US 7,313,703) in view of Schwartz (US 6,816,953).

Claims 4, 8 and 13: Beuten discloses a process, a control device and a device as in claims 1, 5 and 10 above, but does not explicitly disclose wherein said storing step comprises storing the sub-code in a rewritable area of at least one

external memory module. However, Schwartz discloses a process and device for securing a computer, which further discloses wherein said storing step comprises storing the sub-code in a rewritable area of at least one external memory module (Fig. 1, item 15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Beuten such to store the sub-code on external storage. One would have been motivated to do so in order to secure a microcomputer as taught by Schwartz (column 1, lines 50-60).

9. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beuten et al (US 7,313,703) in view of Hurich (US 6,816,953).

Claims 9 and 14: Beuten discloses a process, a control device and a device as in claims 1, 5 and 10 above, but does not explicitly disclose wherein at least one part of the sub-code is stored encrypted in a rewritable area and the master code is used to generate a key for decryption. However, Hurich discloses a process and device for protecting a microcomputer system against manipulation of its program, which further discloses wherein at least one part of the sub-code is stored encrypted in a rewritable area and the master code is used to generate a key for decryption (column 3, lines 15-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Beuten such to encrypt the sub-code and to use the master to generate a decryption key. One would have been motivated to do so in

order to protect the content of a microcomputer as taught by Hurich (column 2, lines 47-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Friday, September 25, 2009.

/F. T./

Examiner, Art Unit 2436

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436